

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Samuel Shorter, III,

Plaintiff,

vs.

Officer Mark Betcke, Warden Cecilia
Reynolds, Case Worker Rembert, and
Nurse Michele Ussery,

Defendants.

Civil Action No. 6:14-3329-TMC

ORDER

Plaintiff, a state prisoner proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's motion for voluntary dismissal (ECF No. 28) and Defendants' alternative motion to dismiss (ECF No. 24) be granted, and this action be dismissed without prejudice. (ECF No. 31). Defendants filed a response to Plaintiff's motion stating they did not object to his request to voluntarily dismiss the action. (ECF No. 29).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 31) and incorporates it herein. It is therefore **ORDERED** that Plaintiff’s motion for voluntary dismissal (ECF No. 28) is **GRANTED**. It is further **ORDERED** that Defendants’ motions for summary judgment (ECF No. 20) and to dismiss (ECF No. 24) are **DENIED** as moot.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Court Judge

January 29, 2015
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.